

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Ricardo De La Garza,
367 Eland Drive
San Antonio, Texas 78213.

File Number 124090

**Default Order Revoking
ALL LICENSING PRIVILEGES**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (2004), by the State of South Carolina Department of Insurance upon Ricardo De La Garza, by both certified mail, return receipt requested, and by regular mail on February 7, 2005.

That letter informed Mr. De La Garza of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a non-resident insurance producer within the State of South Carolina. Despite that warning, Mr. De La Garza has failed to respond to the Department's letter, in violation of S.C. Code Ann. § 38-43-107 (Supp 2004). On April 1, 2005, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a non-resident insurance producer within the State of South Carolina, Ricardo De La Garza failed to disclose his prior criminal record in his application for producer's license.

Section 38-43-130 of the South Carolina Code provides the Director or his designee "may revoke or suspend an producer's license after ten day's notice...when it appears that an producer...has violated this title or any regulation promulgated by the Department, has been convicted of a crime involving moral turpitude, or has willfully deceived or dealt unjustly with the citizens of this State." This Code Section goes on within Subsection (C) (1) & (3) to describe "deceived or dealt unjustly with the citizens of this State" specifically to include, "providing incorrect, misleading, incomplete, or materially untrue information in the license application, or obtaining or attempting to obtain a license through misrepresentation or fraud."

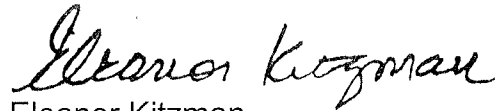
In accordance with my findings of fact, and considering Mr. De La Garza's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that he violated S.C. Code Ann. § 38-43-130 (Supp. 2004) and that his non-resident insurance producer's license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2004). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(3) (2004), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that the license of Ricardo De La Garza to do business as a non- resident insurance producer within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Mr. De La Garza is currently licensed, through the State of South Carolina Department of Insurance, as a non-resident insurance producer within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "Eleanor Kitzman".

Eleanor Kitzman
Director

01 April 2005, at
Columbia, South Carolina

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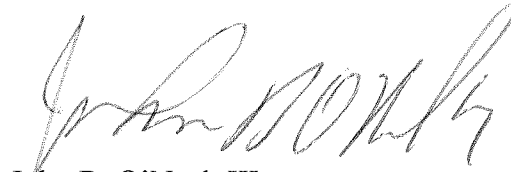
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Affidavit of Default


Personally appeared before me John B. O'Neal, III, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

The Department served notice on Ricardo De La Garza at the address detailed above, by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a non-resident insurance producer within the State of South Carolina in thirty days. The Department served the Notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2004), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That Notice further informed Mr. De La Garza of his opportunity, within thirty days, to request in writing a public hearing.

The United States Postal Services attempted to effect service of the Notice by certified mail, return receipt requested, and by regular mail, on or about February 7, 2005, at the last known address. Our Department then received a Return-Receipt notification of our letter, signed by Mr. De La Garza on February 12, 2005, by the Postal Services. Mr. De La Garza has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. He is now in default.


John B. O'Neal, III
Associate General Counsel

Sworn to and subscribed before me
This 1st. day of April, 2005.


Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires May 10, 2009

South Carolina Department of Insurance
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